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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,864	01/30/2004	Frank J. Bacho		3906

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EXAMINER

MATTHEWS, TERRELL H

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/766,864	Applicant(s) BACHO ET AL.	
	Examiner Terrell H. Matthews	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 15, 16, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 6-14 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/30/04 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claims 1-20 are pending in the instant application

Drawings

The drawings are objected to under 37 CFR 1.83(a) because they fail to show numeral "30" as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specifically, in this instant the specification indicates that numeral "30" will indicate the "Vibrating Separatory Machine" however numeral "30" is not included on Fig. 1 of the drawings.

Specification

The disclosure is objected to because of the following informalities: In section [041] line 3, the retainer bar is incorrectly referred to as "28". Another error occurs in section [052] line 6 where the screen edge strip is incorrectly identified as numeral "22" and in section [053] line 1, the screen edge strip is mistakenly referred to as "132".

Appropriate corrections are required.

Claim Objections

Claims 1,6 are objected to because of the following informalities: Claim 1, line 11 states "a plurality of pockets one each said screen edge strips", when it should state " a plurality of pockets on each of said screen edge strips". Claim 6 is objected to because on line 2 it states "said bars preventing rotation", when it should state "said barbs preventing rotation". Appropriate corrections are required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Waites.

Referring to claim 1, Waites discloses a screening panel attachment system as claimed. See Figs. 1-8 and respective portions of the specification. Waites discloses a screening panel attachment system comprising a plurality of retainer bars (14) each of said retainer bars including an upper face and a lower face; a plurality of spaced plugs (34) extending downwardly and being integral with said lower face of each said retainer bar; means on each said retainer bar for reversibly increasing a radial dimension of each said plug; a plurality of spaced upwardly extending ears (42) on said upper face of each said retainer bar; screen edge strips (22) adapted to be securable to screen panels; a plurality of pockets (68) one each of said screen edge strips, said pockets being configured to each receive one of said ears; and dams (82) securable to ends of adjacent ones of said screen edge strips. Note, it is understood that the means of for "reversibly increasing the radial dimension of each plug" as recited in claim one is by the movement of the expansion nut (48) toward the bolt head (38) which will result in axial shorting of the plug (34) and a coincidental radial widening. It should be noted as well that it can be broadly construed that Waites includes a threaded insert (235) to assist in the radial widening and locking of the retainer bar as described in the first paragraph of column four, lines 5-7. Additionally, it should be noted that the retainer bar (14) is recognized as having a plurality of ears (42) as denoted in Fig. 3 as two ledges of projection (36).

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In regards to claim 2, Waites discloses in the third paragraph of column three, lines 1-3 that the retainer bar (14) includes a stiffener (55) that comprises a metal bar or strip that extends the length of the retainer bar (14).

In regards to claim 3, Waites discloses in the first paragraph of column one, lines 2-3 that the retainer bar (14) is formed from polyurethane.

In regards to claims 4-5, Waites discloses in the third and first paragraphs of columns three and four respectively, that the plugs (34) are formed in the retainer bar (14) and that nuts (48) are engaged onto the plugs (34). It is understood as discussed above that the movement of the expansion nuts (48) will result in coincidental radial widening.

In regards to claim 19, Waites discloses in the third and first paragraphs of columns three and four respectively, that the plugs (34) can be inserted in respective existing holes (46) of the existing C-channel (22a), which is ultimately attached to the rail (22) of the separatory machine.

Claim Rejections - 35 USC § 103

Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waites in view of Gilles.

Referring to claims 15-16, Waites discloses the screening panel attachment system as discussed above. See Figs. 1-8 and respective portions of the specification. Waites does not disclose a hole in each retainer bar overlying each plug that is adaptable for the passage of the expansion bolt. Gilles discloses a mounting system for

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modular panels that includes a retainer bar (18) with openings (28), which form sockets (29) that allow locking pins (32) to be inserted to expand and lock the retainer bar to the support channel. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Waites screen panel attachment system to provide an unthreaded hole as taught by Gilles that could be used to secure the retainer bar to the rail. It would have been obvious to a person of ordinary skill in the art to make this hole unthreaded so that more configurations of tools could be used to secure the retainer bar to the rail.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Waites.

In regards to claim 20, Waites discloses the screen panel attachment as discussed above. Waites does not disclose sideboards that are engageable with the side panel. However, in column five lines 45-47 that the first end (84) and the second end (86) of the dam are attached to the sides (20) of the separatory machine. Therefore it would have been obvious at the time of the invention to provide sideboards to engage the sides of the separatory machine to lock the screen panel system to the separatory machine. It should be noted, that that it can be broadly construed that the ends of the dams serve as sideboards, which engage the side panel of the separatory machine.

Allowable Subject Matter

Claims 6-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tabor U.S. Patent No. 4909929 discloses an interlocking clamping system that attaches a screen to a rail with interlocking clamps to secure the dams and adjacent panels inclusive of plugs that can be tightened to serve as locking pins.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terrell H. Matthews whose telephone number is (571) 272-5929. The examiner can normally be reached on M-F 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kathy Matecki

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